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Express Mail No. EV729039625US  
Docket No.: 249768002US2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hartman et al.

Application No.: 09/318,447 ✓

Confirmation No.: 1430

Filed: May 25, 1999

Art Unit: 3625

For: METHOD AND SYSTEM FOR PLACING A  
PURCHASE ORDER VIA A  
COMMUNICATIONS NETWORK

Examiner: M. A. Fadok

**RESPONSE TO NON-COMPLIANCE NOTICE**

MS Appeal Briefs - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Notice of Non-Compliance with the Requirements of 37 CFR 41.37(c) dated July 7, 2005, Applicants respectfully request that the Appeal Brief filed on April 8, 2005 be entered for the reasons described below.

The Examiner asserts that "[T]he explanation (see page 2 of the appeal brief) does not referring [sic] to the specification by page and line number, and to the drawing as required by 37 CFR 41.37(c)(1)(v)." (Office Action, July 7, 2005.)

37 CFR 41.37(c)(1)(v) states:

*Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim

involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. (Emphasis added.)

Applicants' Appeal Brief includes a Summary of Claimed Subject Matter section with the following two subsections: (a) Overview of the Invention and Prior Art; and (b) Independent Claims on Appeal. Although the Overview of the Invention and Prior Art subsection does not refer to the specification or drawings, the Independent Claims on Appeal subsection refers to the specification by page and line number, and to the drawings by reference characters. Therefore, the Appeal Brief filed on April 8, 2005 complies with 37 CFR 41.37(c)(1)(v) and includes a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal [that] refer[s] to the specification by page and line number, and to the drawing[s] by reference characters." Since the Overview of the Invention and Prior Art subsection is not required by the rules and not even mentioned in the rules, there is no requirement in the rules to cite to the specification. Applicants added this section to provide the Board with an overview of the invention and prior art. Accordingly, Applicants' request that the Appeal Brief filed on April 8, 2005 be entered.

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No fees are believed to be due with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-0665.

Dated:

Respectfully submitted,

By 

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